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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 BAILEY AARON HALL,

14 Defendant.
15

Case No. 2:16-cr-321-JAD-PAL

**STIPULATION TO CONTINUE
SENTENCING HEARING**
(Fourth Request)

16 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United
17 States Attorney, and Alexandra Michael, Assistant United States Attorney, counsel for the
18 United States of America, and Rene L. Valladares, Federal Public Defender, and Brian Pugh,
19 Assistant Federal Public Defender, counsel for Bailey Aaron Hall, that the Sentencing Hearing¹
20 currently scheduled on Tuesday, October 2, 2018, be vacated and continued to a date and time
21 convenient to the Court, but no sooner than thirty (30) days.

22 The Stipulation is entered into for the following reasons:
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26 ¹ The parties are not requesting a continuance of the hearing on the Motion to Dismiss
Counsel and Appoint New Counsel. *See* ECF Nos. 53, 54. The parties respectfully request that
the Motion to Dismiss Counsel and Appoint New Counsel go forward as currently scheduled.

1 1. The additional time is needed because AUSA Alexandra Michael will be in trial
2 on USA v. Casarez, Case No. 2:17-cr-00113-KJD-GWF the week of October 1 – October 5.

3 2. The parties agree to the continuance.

4 3. The additional time requested herein is not sought for purposes of delay, but
5 merely to allow counsel for defendant sufficient time within which to be able to effectively and
6 complete investigation of the discovery materials provided.

7 4. Additionally, denial of this request for continuance could result in a miscarriage
8 of justice. The additional time requested by this Stipulation is excusable in computing the time
9 within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United
10 States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code,
11 Section 3161(h)(7)(B)(i), (iv).

12 This is the fourth stipulation, first request by the defendant, to continue filed herein.

13 DATED this 27th day of September 2018.

14 RENE L. VALLADARES
15 Federal Public Defender

DAYLE ELIESON
United States Attorney

16 /s/ *Brian Pugh*
By _____

/s/ *Alexandra Michael*
By _____

17 BRIAN PUGH
18 Assistant Federal Public Defender

ALEXANDRA MICHAEL
Assistant United States Attorney

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CONCLUSIONS OF LAW

The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

The continuance sought herein is excusable under the Speedy Trial Act, Title 18, United States Code, Section § 3161 (h)(7)(A), when the considering the factors under Title 18, United States Code, § 3161(h)(7)(B)(i), (iv).

ORDER

IT IS THEREFORE ORDERED that the sentencing hearing currently scheduled for Tuesday, October 2, 2018 at 10:00 a.m., be vacated and continued to **November 13, 2018**, at the hour of 11:00 a.m.

DATED this 28th day of September, 2018.

UNITED STATES DISTRICT JUDGE